

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

WILLIAM CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:05-CV-360
	)	(VARLAN/SHIRLEY)
R. C. BABAOGLU, individually, and	)	
CAS CLARK, individually,	)	
	)	
Defendants.	)	

**ORDER**

This civil action is before the Court on plaintiff's Motion to Continue [Doc. 59] and on defendant Babaoglu's and defendant Clark's Motion to Revise and/or Alter Judgment [Doc. 60]. The plaintiff requests that the current trial date of May 15, 2007, be continued so that the issues raised by defendant's motion can be addressed in advance of trial. The defendants move the Court to revise the Order [Doc. 57] entered April 2, 2007, denying in part summary judgment in favor of defendants Babaoglu and Clark with respect to the claims of unlawful arrest and excessive force. In support their motion, defendants have raised issues which were not fully briefed before entry of the April 2, 2007 Order, specifically, the issue of whom actually arrested Mr. Campbell and the issue of the extent of damages Mr. Campbell suffered from the alleged excessive force, as well as offering further argument on the issue of qualified immunity.

In light of these issues, the Court finds both motions [Docs. 59, 60] to be well-taken and the same are hereby **GRANTED**. The Court's Order [Doc. 57] of April 2, 2007, is hereby **VACATED in part**, but only to the extent that the Order denied summary judgment with respect to plaintiff's claims of unlawful arrest and excessive force. To the extent that the Order [Doc. 57] dismissed all claims against defendant Knox County and dismissed plaintiff's equal protection and unlawful entry claims against defendants Babaoglu and Clark, those rulings remain in effect. A hearing on the issue of summary judgment with respect to the claims of unlawful arrest and excessive force, as well as the issue of qualified immunity as it relates to the claims of unlawful arrest and excessive force, is **SCHEDULED** for May 16, 2007, at 10:00 a.m.<sup>1</sup> The trial currently scheduled for May 15, 2007, is hereby **CANCELLED**. The Court will schedule a new trial date at the May 16, 2007, hearing.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court expresses no opinion on the merits of the arguments raised by the defendants in their motion to amend, but instead is scheduling this hearing so that the issues can be fully addressed before the Court enters a final ruling.